

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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	)	
Fair Isaac Corporation and	)	CIVIL ACTION
myFICO Consumer Services, Inc.,	)	NO. 06-4112 (ADM/JSM)
	)	
Plaintiffs,	)	
	)	
vs.	)	<b>Volume XVI</b>
	)	
Experian Information Solutions,	)	
Inc.; TransUnion, LLC;	)	
VantageScore Solutions, LLC;	)	
and Does I through X,	)	Courtroom 13 West
	)	Friday, November 20, 2009
Defendants.	)	Minneapolis, Minnesota
	)	

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**J U R Y   T R I A L   P R O C E E D I N G S**

**[ VERDICT ]**

BEFORE THE HONORABLE ANN D. MONTGOMERY  
UNITED STATES DISTRICT JUDGE  
AND A JURY

**TIMOTHY J. WILLETTE, RDR, CRR, CBC, CCP**  
Official Court Reporter - United States District Court  
1005 United States Courthouse - 300 South Fourth Street  
Minneapolis, Minnesota 55415  
612.664.5108

**A P P E A R A N C E S :**

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For defendant  
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**A P P E A R A N C E S (Continued):**

For defendant

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For defendant

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JUSTI RAE MILLER, ESQUIRE

CATHERINE A. McENROE, ESQUIRE

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\* \* \* \* \*

1 (10:50 a.m.)

2 **P R O C E E D I N G S**

3 **I N O P E N C O U R T**

4 (Jury enters)

5 THE COURT: Good morning. Please be seated.

6 Members of the jury, have you reached your verdict  
7 in this case?

8 THE FOREPERSON: Yes.

9 THE COURT: Would you hand it to the court security  
10 officer, please.

11 (Verdict handed to the Court via the court security  
12 officer)

13 (Pause - Court is reading)

14 THE COURT: Members of the jury, listen to your  
15 verdict as it will be recorded in the official files of  
16 United States District Court.

17 THE CLERK: "United States District Court, District  
18 of Minnesota.

19 "Fair Isaac Corporation and myFICO Consumer  
20 Services, Incorporated, Plaintiffs, versus Experian  
21 Information Solutions, Incorporated; Trans Union, LLC;  
22 VantageScore Solutions, LLC; and Does I through X,  
23 Defendants.

24 "Special Verdict.

25 "We, the jury in the above-titled matter, find the

1 following answers to the following questions submitted to us  
2 by the Court:

3 "QUESTION NO. 1: Has '300-850' acquired secondary  
4 meaning?"

5 Answer is: "No.

6 "If your answer to Question No. 1 is 'No,'...  
7 proceed to Question No." --

8 THE COURT: 9.

9 THE CLERK: -- "9.

10 "QUESTION NO. 9: Did Fair Isaac make a false  
11 representation of fact during the application process to the  
12 United States Patent and Trademark Office for registrations  
13 of the '300-850' trademarks?"

14 Answer: "Yes.

15 "If your answer to Question No. 9 is 'Yes,'  
16 continue to Question No. 10.

17 "QUESTION NO. 10: Did Fair Isaac know the  
18 representation to be false when it was made and intend to  
19 deceive the United States Patent and Trademark Office?"

20 The answer is: "Yes.

21 "If your answer to Question No. 10 is 'Yes,'  
22 continue to Question No. 11.

23 "QUESTION NO. 11: Did the United States Patent and  
24 Trademark Office rely on the false representation in deciding  
25 to issue the registrations?"

1                   The answer is: "Yes."

2                   It is dated November 20th, 2009 and signed by the  
3                   presiding juror.

4                   THE COURT: The jury will be polled.

5                   THE CLERK: Members of the jury, please answer  
6                   "Yes" or "No" as I call your name.

7                   Amy Weis, is this your verdict?

8                   THE JUROR: Yes.

9                   THE CLERK: Ms. Strand, is this your verdict?

10                  THE JUROR: Yes.

11                  THE CLERK: Ms. Hoffman, is this your verdict?

12                  THE JUROR: Yes.

13                  THE CLERK: Ms. Dop, is this your verdict?

14                  THE JUROR: Yes.

15                  THE CLERK: Ms. Dupree, is this your verdict?

16                  THE JUROR: Yes.

17                  THE CLERK: Ms. Rudd, is this your verdict?

18                  THE JUROR: Yes.

19                  THE CLERK: Mr. Burmeister, is this your verdict?

20                  THE JUROR: Yes.

21                  THE CLERK: Mr. Nygord, is this your verdict?

22                  THE JUROR: Yes.

23                  THE CLERK: Ms. Longen, is this your verdict?

24                  THE JUROR: Yes.

25                  THE CLERK: Ms. Talbot, is this your verdict?

1 THE JUROR: Yes.

2 THE CLERK: Ms. Rackliffe-Lopresti, is this your  
3 verdict?

4 THE JUROR: Yes.

5 THE CLERK: And Ms. Mueller, is this your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Your Honor, the jury has been polled  
8 and they all concur.

9 THE COURT: Members of the jury, thank you very  
10 much for your participation in this case. I'm sure all of  
11 the attorneys and parties would thank you if they were given  
12 an opportunity to do so for your careful listening throughout  
13 the entire trial and your attendance here on time through  
14 what was a lengthy trial.

15 At this point you are excused. The court security  
16 officer will take you back to the jury deliberation room and  
17 then later bring you to my chambers, if you would like, and  
18 I'll give you a certificate that proves that you served in  
19 this case as well as the photo that we took earlier.

20 All rise for the jury.

21 (Jury excused)

22 THE COURT: Please be seated. We are outside the  
23 presence of the jury.

24 I want to remind counsel that the local rules  
25 provide no contact with the jurors while they are still

1 subject to their subpoena. If any party intends to contact  
2 them afterwards, a letter to the Court advising me of that  
3 request is the appropriate procedure.

4 Court is in recess.

5 MR. GARDNER: Your Honor?

6 THE COURT: Yes?

7 MR. GARDNER: Can I raise one point?

8 THE COURT: Sure.

9 MR. GARDNER: There is one matter that needs to be  
10 resolved. We filed a petition for attorneys' fees with  
11 respect to the contract count and that was deferred until  
12 this point, so I guess we're waiting for an order from your  
13 Honor as to how you want us to proceed on that. It was -- we  
14 filed a petition under the local rules and then it was  
15 deferred till today.

16 THE COURT: All right. I'd like you to make a  
17 letter request of that and then I'll take a look at it and  
18 review those.

19 MR. GARDNER: Okay. Thank you.

20 THE COURT: All right. Court is in recess.

21 (Proceedings concluded at 10:57 a.m.)

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**C E R T I F I C A T E**

I, **TIMOTHY J. WILLETTE**, Official Court Reporter for the United States District Court, do hereby certify that the foregoing pages are a true and accurate transcription of my shorthand notes, taken in the aforementioned matter, to the best of my skill and ability.

*/s/ Timothy J. Willette*

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